

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HECTOR MUNOZ ZULETA,

Plaintiff,

-against-

J. KROM, Deputy Superintendent of
Administration, et al.,

Defendants.

1:23-CV-7494 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Hector Munoz Zuleta, who is currently incarcerated in the Sullivan Correctional Facility, brings the present *pro se* action under 42 U.S.C. § 1983 seeking damages. For the following reasons, the Court dismisses the present action without prejudice.

Plaintiff has previously submitted to this court a complaint that is identical to the complaint that has commenced the present action. The action that has been commenced by the identical complaint is pending before the undersigned under docket number 1:23-CV-7225 (LTS). Because the present action raises the same claims as that identical action, no useful purpose would be served by litigating the present action. The Court therefore dismisses the present action without prejudice to Plaintiff's pending identical action under docket number 1:23-CV-7225 (LTS).

CONCLUSOIN

The Court dismisses the present action without prejudice as duplicative of *Zuleta v. Krom*, 1:23-CV-7225 (LTS) (S.D.N.Y.).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter judgment for this action.

SO ORDERED.

Dated: August 24, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge